

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GABRIEL CHARLES SANCHEZ,

Plaintiff,

v.

PATRICK EATON, et al.,

Defendants.

No. 1:21-cv-00736-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION FOR FAILURE TO EXHAUST

(Doc. No. 8)

Plaintiff Gabriel Charles Sanchez is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 8, 2021, the assigned magistrate judge found that it is clear on the face of his complaint that plaintiff failed to exhaust administrative remedies prior to filing suit as required by the Prison Litigation Reform Act. (Doc. No. 6.) Therefore, the judge ordered plaintiff to show cause why this action should not be dismissed for failure to exhaust. (*Id.* at 2.) Plaintiff failed to respond to the order to show cause.

Accordingly, on October 14, 2021, the magistrate judge issued findings and recommendations, recommending that this action be dismissed without prejudice for plaintiff's failure to exhaust administrative remedies prior to filing suit. (Doc. No. 8.) The findings and recommendations were served on plaintiff and provided him 14 days to file objections thereto.

1 (Id. at 2.) Plaintiff has failed to file objections, and the time to do so has passed.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
3 *de novo* review of this case. Having carefully reviewed the file, the court finds the findings and
4 recommendations to be supported by the record and proper analysis.

5 Accordingly,

- 6 1. The findings and recommendations issued on October 14, 2021 (Doc. No. 8) are
7 adopted in full;
- 8 2. This action is dismissed without prejudice for failure to exhaust administrative
9 remedies; and,
- 10 3. The Clerk of the Court is directed to assign a district judge to this case for
11 purposes of closure and close this case.

12 IT IS SO ORDERED.

13
14 Dated: November 19, 2021


UNITED STATES DISTRICT JUDGE